

**DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:09CV405**

DORIS J. REESE,)	ORDER
)	
Plaintiff,)	
)	
v.)	
)	
SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
Defendant,)	
)	

THIS MATTER is before the Court on the Defendant's Motion to Dismiss (Doc. No. 8) and the Magistrate Judge's Memorandum and Recommendation ("M&R") (Doc. No. 12) recommending the motion to dismiss be granted.

Pursuant to 28 U.S.C. §636(b), and a specific order of referral of the District Court, the Honorable David C. Keesler, United States Magistrate Judge, was designated to consider this pending motion in the above-captioned action and to submit to this Court a recommendation for the disposition of this motion.

On August 2, 2010, the Magistrate Judge filed a M&R in this case containing findings of fact and proposed conclusions of law in support of a recommendation regarding the motion. The parties were advised that any objections to the M&R were to be filed in writing within fourteen (14) days of service and no later than August 16, 2010. The period within which to file objections to the M&R has expired, and no objections were filed.

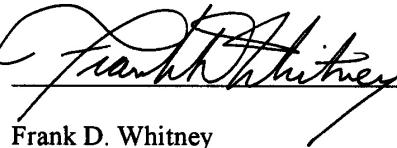
The M&R recommended the motion be dismissed because the Plaintiff Doris J. Reese

(“Plaintiff”) failed to file a timely response to the Defendant’s Motion to Dismiss, despite the fact the court gave the Plaintiff additional guidance and ample time to file a response. After a careful review of the M&R, the Court finds the proposed conclusions of law are consistent with court procedures and current case law. *See Heckler v. Ringer*, 466 U.S. 602, 614-615, 627 (1984) (explaining that judicial review of a claim arising from 42 U.S.C. § 405(g) is only available after administrative remedies are exhausted). Accordingly, the Court hereby **ACCEPTS and ADOPTS** the Magistrate Judge’s Recommendation that the Defendant’s Motion to Dismiss be granted.

IT IS, THEREFORE, ORDERED that the Defendant’s Motion to Dismiss (Doc. 8) is **GRANTED**. The Clerk is DIRECTED to close the case.

IT IS SO ORDERED.

Signed: September 9, 2010



Frank D. Whitney
United States District Judge

